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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,666	09/25/2001	Rudolf Kodes	1454.1079	6964
21171 7590 06/30/2008 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER THANGAVELU, KANDASAMY	
			ART UNIT	PAPER NUMBER
			2123	
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			06/30/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/889,666

Applicant(s)

KODES, RUDOLF

Examiner

KANDASAMY THANGAVELU

Art Unit

2123

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 June 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See the attached notes.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Kandasamy Thangavelu/
6/24/08

Response to Applicant's arguments.

1. As per the applicant's argument that "the final Office Action asserts that particularly Page 3, Lines 13-19 and Page 5, Lines 22-29 of the English translation of the International Application PCT/DE00/00075 do not describe cause-and-effect relationship; rather, these lines describe "activities being permissible only after specific results" and "direct predecessors and direct successors given as connection criterion"; Page 3, lines 17, 18, and 19 of the International Application actually also describes the specific results as themselves in turn requiring other activities; since specific activities are permissible only after specific results, which themselves in turn required other activities, one of skill in the art would understand that an activity that is required by a result is substantially a cause of the result; conversely, the result is an effect of the activity, and the International Application describes a cause-and-effect relationship between activities and results", the Examiner respectfully disagrees.
The Examiner takes the position that what the applicant has shown in Fig. 1, Fig. 2 and Fig 3 of the application are activity networks connecting various activities. The activities have predecessors and successors. The relationship between the predecessors and successors is not described in the specification as cause-and-effect relationship. Page 3, Lines 13-19 and Page 5, Lines 22-29 of the English translation of the International Application PCT/DE00/00075 do not describe cause-and-effect relationship. These lines describe "activities being permissible only after specific results" and "direct predecessors and direct successors given as connection criterion". The applicant simply argues the cause-and-effect relationship which is not in his specification. The Examiner takes the firm position that one of ordinary skill in the art would not understand and would not conclude the predecessor-successor relationship to be a cause-and-effect relationship. In all activity networks used in Engineering such as project planning and control, product integration etc. there are predecessor-successor relationships, but not necessarily cause-and-effect relationships.
2. As per the applicant's argument that "Valko neither teaches, discloses, nor suggests preparing first connections to connect the first event of the engineering activity to a set of second events of the engineering activity in a cause-and-effect relationship; since, Valko only verifies the existence of the resources or results necessary for the activities 301 to 304 so they can start executing, Valko is not "preparing first connections to connect the first event of the engineering activity to a set of second events of the engineering activity in a cause-and-effect relationship", the Examiner takes the position that the activity network claimed by the applicant has only predecessor-successor relationship and not necessarily cause-and-effect relationship. The Applicant has exactly the same activity model as Valko reference.
3. As per the applicant's argument that "Fig. 1 indicates that a predecessor (activity 101) leads to a successor (result 102); connections are shown being prepared to connect a first event of an engineering activity 101 to a set of second events of the engineering activity 101; as described at page 3, lines 2-12 of the English translation of the International Application PCT/DE00/00075: the units can represent activities and/or results of these activities; a connection of activities and results such that orientation occurs from which it is apparent that an activity leads to a result and this result again permits another activity; one of skill in the art would understand that an activity that leads to a result is substantially a cause of the result; the result is an effect of the activity, and the International Application describes a cause-and-effect relationship between activities and results; as described further in the International Application at page 3, lines 8-12: a flowchart of activities which bring about results is produced, the wide variety of activities being able to act on a single event, and an event being able to be a precondition for a multiplicity of activities; since activities which bring about results are represented on a flowchart, one of skill in the art would understand that an activity that brings about a result is substantially a cause of the result; conversely, the result is an effect of the activity, and the International Application describes a cause-and-effect relationship between activities and results", the Examiner takes the position that the activity network claimed by the applicant has only predecessor-successor relationship and not necessarily cause-and-effect relationship. The Applicant has exactly the same activity model as Valko reference. Moreover, multiple activities can produce the same results.
4. As per the applicant's argument that "since Valko defines alternative resources required to commence an activity, Valko is not "preparing first connections to connect the first event of the engineering activity to a set of second events of the engineering activity in a cause-and-effect relationship"; since, in Valko, successors to starting an activity are signaled when a set of prerequisites necessary to start an activity are present, Valko is not "preparing first connections to connect the first event of the engineering activity to a set of second events of the engineering activity in a cause-and-effect relationship"; since, in Valko, each activity may have one or more signal lines 202A-H connecting it to other activities in the network or to itself in a feedback loop, Valko is not "preparing first connections to connect the first event of the engineering activity to a set of second events of the engineering activity in a cause-and-effect relationship"; since, in Valko, the model waits for signals from some number of prerequisites to start an activity, Valko is not "preparing first connections to connect the first event of the engineering activity to a set of second events of the engineering activity in a cause-and-effect relationship", the Examiner takes the position that the activity network claimed by the applicant has only predecessor-successor relationship and not necessarily cause-and-effect relationship. The Applicant has exactly the same activity model as Valko reference.
5. As per the applicant's argument that "The network shown in Fig. 1 of Valko, finally, is made up of a plurality of activities 102- 112 selectively connected with one another by way of signal lines, not in a cause-and-effect relationship, contrary to the assertion in the final Office Action; Since the network shown in Fig. 1 of Valko is made up of a plurality of activities 102-112 selectively connected with one another by way of signal lines, Valko is not "preparing first connections to connect the first event of the engineering activity to a set of second events of the engineering activity in a cause-and-effect relationship", the Examiner takes the position that the activity network claimed by the applicant has only predecessor-successor relationship and not necessarily cause-and-effect relationship. The Applicant has exactly the same activity model as Valko reference.